

REMARKS

Claims 4, 6-8, 10-12 and 14-19 are pending and stand ready for further action on the merits. Support the amendment to claim 8 can be found in claim 6.

No new matter has been added by way of the above-amendment.

Issues under 35 U.S.C. 102(b)

Claims 4 and 8 remain rejected and claim 19 is newly rejected under 35 U.S.C. 102(b) as being anticipated by BE 89241 (BE '401) or JP 50129361 (JP '361). Applicants respectfully traverse the rejection.

The Examiner has indicated that claim 6, drawn to a plant-activating composition, is allowable over BE '401 and JP '361. The Examiner will note that the above-amendment has modified the scope of the method of claim 8 so as to utilize a plant-activating composition which is of the same scope as the plant-activating composition of allowed claim 6. Since the method of independent claim 8 incorporates the plant-activating composition of allowed claim 6, Applicants respectfully submit that claims 4, 8 and 19 are allowable over BE '401 and JP '361. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above amendments and comments, Applicants respectfully submit that the claims are in condition for allowance.

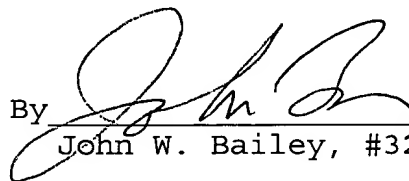
However, should the Examiner find to the contrary, Applicants respectfully request that the Examiner enters this amendment into the Official Record to place the claims in better form for appeal.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., (Reg. No. 43,575) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
John W. Bailey, #32,881


JWB/GMD/jmb/gh
0425-0836P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000